

---

**From:** Cash, Doris A - MSHA  
**Sent:** Thursday, October 23, 2003 2:45 PM  
**To:** zzMSHA-Standards - Comments to Fed Reg Group  
**Cc:** 'RELoesby@cs.com'  
**Subject:** FW: DPM Sampling & 150 microgram standard

-----Original Message-----

**From:** RELoesby@cs.com [mailto:RELoesby@cs.com]  
**Sent:** Thursday, October 23, 2003 11:11 AM  
**To:** Cash-Doris@msha.gov  
**Cc:** hjhead@mactec.com  
**Subject:** DPM Sampling & 150 microgram standard

Doris:

I am not sure this is the right link to make comments on the DPM standards, but I will give it a try. If it is not, and you know where it should go, would you please reply to this email and let me know so that I can get it to the right person.

My company, Sierra Minerals Corporation, operates the Yule Quarry in Colorado (MSHA Mine ID No. 05-04438). MSHA took DPM samples early in this process as we were one of the 31 mines sampled as part of the preliminary sampling. After the interim rules were put in place, MSHA again took DPM samples. The second set of samples indicated we are well below the 400 microgram per cubic meter interim standard, but we will need to make changes in order to meet the 2006, 150 microgram per cubic meter standard.

My first comment involves the requirement for the mine operator to perform environmental monitoring in addition to MSHA sampling to be sure the mine stays below the standards. We are a small operation and the expense to have this sampling done will be very high relative to our size. May I suggest that the requirement for environmental sampling by the mine operator be required only if MSHA sampling shows that the operation is out of compliance or close to being out of compliance with the standard.

My second comment involves the justification for the DPM standards. It is my understanding that the study upon which NIOSH has based its standards was work done by an investigator in Great Britain. The author of the study investigated cancer rates of railroad diesel shop workers and found a higher rate of lung cancer in the group. Apparently, the author has since repudiated the results of the study due to an error in the work.

Apparently the author did not take into account the fact that the rate of smoking among the workers was higher than the general population. If the data is adjusted to account for the higher rate of smoking, the cancer rate among the workers was actually lower than the general population, thus bringing into question the entire basis for the MSHA DPM reduction program. DPM standards should be based on real scientific data because implementation of the more stringent standards is placing a great economic burden on underground miners.

Thank you for the opportunity to comment.

Rex Loesby  
President  
Sierra Minerals Corporation  
Tel: 303-771-9610

**MSHA Docket No. ☐**  
**AB29-COMM-LATE-2**